

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHALFONTE PROPERTIES, INC.,

Plaintiff,

v.

SEATTLE SPECIALTY INSURANCE
SERVICES, INC., and UNDERWRITERS
AT LLOYD’S, LONDON, jointly and
severally,

Defendants.

Case No. _____

District Judge _____

Magistrate Judge _____

Removed from:

Macomb Circuit Court

Case No. 2018-488-CB

Hon. Kathryn A. Viviano

NOTICE OF REMOVAL FROM STATE COURT

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, the above-captioned action, which is currently pending in the Macomb Circuit Court of the State of Michigan, is removed by Defendants, Seattle Specialty Insurance Services, Inc. (“Seattle SIS”), and Underwriters at Lloyd’s, London (“Lloyd’s”), to the United States District Court for the Eastern District of Michigan, Southern Division, by the filing of this notice of removal from state court with the Clerk of the United States District Court for the Eastern District of Michigan, Southern Division. As grounds from removal, Defendants state as follows:

1. On February 9, 2018, Plaintiff filed an action in the Macomb Circuit Court of the State of Michigan (the “State Court”), titled *Chalfonte Properties, Inc.*

v. Seattle Specialty Insurance Services, Inc., and Underwriters at Lloyd's, London, Case No. 2018-488-CB (the “State Court Action”).

2. As required under 28 U.S.C. § 1446(a), a complete copy of all process, pleadings and orders, if any, served on Defendants in the State Court Action is attached to this notice of removal as **Exhibit 1**.

3. Defendants received copies of the summons and complaint on February 26, 2018. Notice of Service of Process, **Exhibit 2**.

4. This notice of removal is timely because it has been filed within 30 days after Defendants’ receipt of the summons and complaint, as required under 28 U.S.C. § 1446(b).

5. The State Court is located in the Eastern District of Michigan, Southern Division. 28 U.S.C. § 102(a)(1). Therefore, the United States District Court for the Eastern District of Michigan, Southern Division, is “the district court of the United States for the district and division embracing the place where such action is pending,” to which this action may be removed under 28 U.S.C. § 1441(a).

DIVERSITY JURISDICTION

6. The United States District Court for the Eastern District of Michigan, Southern Division, has original diversity jurisdiction under 28 U.S.C. § 1332, because, at the time that Plaintiff commenced this action in the State Court and at

the time that Defendants filed this notice of removal, Plaintiff and Defendants were citizens of different states and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest, costs, and attorney fees, as set forth in this notice of removal.

7. The federal diversity jurisdiction statute provides that “a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business.” 28 U.S.C. § 1332(c)(1). Plaintiff is a corporation incorporated in the State of Michigan. Corporate Summary, **Exhibit 3**. Plaintiff’s “principal address is located at 3671 E 12 Mile Road, Warren, MI 48092.” Amd. Compl. at ¶ 1. Therefore, Plaintiff is a citizen of Michigan for diversity jurisdiction purposes.

8. Defendant Seattle SIS is a corporation incorporated in the State of Washington. Corporate Summary, **Exhibit 4**. Its main office is located in Washington, with a branch office in Hawaii. Seattle SIS Office Information, **Exhibit 5**. Therefore, Seattle SIS is not a citizen of Michigan for diversity jurisdiction purposes.

9. Defendant Lloyd’s is registered in Texas with a mailing address of 25 West 53rd Street, Floor 14, New York, NY 10019-5401 and a physical address of Lime Street, London, England EC3M7-HA. Texas Department of Insurance

Information, **Exhibit 6**. Therefore, Lloyd's is not a citizen of Michigan for diversity jurisdiction purposes.

10. As set forth in this notice of removal, Defendants are not citizens of Michigan and therefore (i) there is complete diversity of citizenship between Plaintiff and Defendants and (ii) diversity of citizenship for original jurisdiction under 28 U.S.C. § 1332(a)(1) and for removal under 28 U.S.C. § 1441(b)(2) is satisfied.

11. Defendants aver that the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest, costs and attorney fees, as required for diversity jurisdiction and removal under 28 U.S.C. § 1332(a). Plaintiff's attorney enclosed in a letter proposals for repairs to the subject property totaling \$201,138.98. Letter, **Exhibit 7**.

19. Although the facts set forth in this notice of removal show that the jurisdictional requirements for removal to this court, including the amount in controversy, have been satisfied, Defendants deny that Plaintiff is entitled to judgment in its favor or to any other relief against Defendants.

20. A notice of removal to federal court, **Exhibit 8**, signed by Defendants' attorney, and a copy of this notice of removal from state court will be filed with the State Court and served on Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants remove the State Court Action from the State Court to the United States District Court for the Eastern District of Michigan, Southern Division, and request that this court take jurisdiction of this civil action to the exclusion of further proceedings in the State Court.

Respectfully submitted,

Lipson Neilson, P.C.

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Attorneys for Defendant

Dated: March 26, 2018

CERTIFICATE OF SERVICE

I certify that, on March 26, 2018, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system and I certify that I mailed the paper by United States Postal Service, First Class Mail, to:

Cecil D. Pierre, Jr.
Boyer, Dawson & St. Pierre, PLLC
43805 Van Dyke Avenue
Sterling Heights, MI 48314

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